

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 30<sup>TH</sup> DAY OF MARCH 2023 / 9TH CHAITHRA, 1945

BAIL APPL. NO. 2383 OF 2023

[CRIME NO. 257/2023 OF ADOOR POLICE STATION, PATHANAMTHITTA]

**PETITIONER/ACCUSED:**

- 1 NIJESH  
AGED 37 YEARS  
S/O.ZACHARIA, BELMOND HOUSE, MAROOR, ENADIMANGALAM,  
PATHANAMTHITTA, PIN - 691524
- 2 RACHEL  
AGED 68 YEARS  
W/O. ZACHARIA, BELMOND HOUSE, MAROOR, ENADIMANGALAM,  
PATHANAMTHITTA, PIN - 691524  
BY ADVS.  
SUMAN CHAKRAVARTHY  
RAHUL S.NATH

**RESPONDENT/STATE:**

STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
PIN - 682031

**OTHER PRESENT:**

SRI. M.P.PRSANTH P.P

**THIS BAIL APPLICATION HAVING COME UP FOR  
ADMISSION ON 30.03.2023, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:**

**ORDER**

*Dated this the 30<sup>th</sup> day of March, 2023*

This application is filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.

2. The applicants are the accused Nos. 1 & 2 in Crime No.257/2023 of Adoor Police Station, Pathanamthitta. The offences alleged are punishable under Sections 498 A, 323, 506 r/w 34 of IPC.

3. The prosecution case, in short, is that the defacto complainant was subjected to cruelty both physically and mentally by the applicants demanding more dowry and thereby committed the offence.

4. I have heard Sri.Suman Chakravarthy, the learned counsel for the applicants and Sri. M.P.Prasanth, the learned Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case. The counsel further submitted that no materials are on record to connect the applicants with the alleged crime; hence, they are entitled to get bail. The learned

Public Prosecutor, on the other hand, submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicants, and if they are released on bail at this stage, it will affect the course of the investigation.

6. The 1<sup>st</sup> applicant is the husband and the 2<sup>nd</sup> applicant is the mother-in-law of the victim. The applicants have no criminal antecedents. The allegations are not serious in nature. Considering the allegations levelled against the applicants, their custodial interrogation does not appear to be necessary. For these reasons, it is a fit case where pre-arrest bail can be granted to the applicants.

In the result, the application is allowed on the following conditions:-

(i) The applicants shall be released on bail in the event of their arrest on executing a bond for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties for the like sum each to the satisfaction of the arresting officer/investigating officer, as the case may be.

(ii) The applicants shall fully cooperate with the investigation, including subjecting themselves to the deemed police custody for discovery, if any, as and when demanded.

(iii) The applicants shall appear before the investigating officer between 10.00 a.m. and 11.00 a.m. every Saturday until further orders. They shall also appear before the investigating officer as and when required.

(iv) The applicants shall not commit any offence of a like nature while on bail.

(v) The applicants shall not attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The applicants shall not leave the State of Kerala without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court.

Sd/-

**DR. KAUSER EDAPPAGATH  
JUDGE.**

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